

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the following remarks.

---

Claims 1, 2, 6-8, 12, 28, and 29 stand rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Nobukiyo et al. (US 7,079,859).

Claims 3 and 4 stand rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Nobukiyo et al. (US 7,079,859) and Kadous (US 2005/0063378).

Claim 5 stands rejected, under 35 USC §103(a), as being unpatentable over Sudo Sudo et al. (US 2004/0233838) in view of Nobukiyo et al. (US 7,079,859) and Anim-Appiah (US 7,295,517).

Claim 9 stands rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Nobukiyo et al. (US 7,079,859) and Chow et al. (US 7,050,395).

Claim 10 stands rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Nobukiyo et al. (US 7,079,859) and Ishii et al. (US 2005/0096089).

Claim 13 stands rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Nobukiyo et al. (US 7,079,859) and Sudo (US 2003/0189917). Claim 14 stands rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Nobukiyo et al. (US 7,079,859) and Walton et al. (US 7,020,110).

Claims 15 and 16 stand rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Atarashi et al. (US 7,372,889). Claim 19 stands rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Atarashi et al. (US 7,372,889) and Tanaka (US 2004/0235485). Claims 22-25 and 27 stand rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of

Atarashi et al. (US 7,372,889) and Walton et al. (US 7,020,110). The Applicants respectfully traverse these rejections based on the points set forth below.

Claim 1 defines a communication terminal apparatus that: (1) acquires the number of communication terminal apparatuses in a communication system and (2) repeats a report signal when the acquired number of communication terminal apparatuses is equal to or less than a predetermined value.

The Office Action acknowledges that Sudo '838 does not disclose the Applicants' claimed subject matter of repeating a report signal when an acquired number of communication terminal apparatuses is equal to or less than a predetermined value (see Office Action page 4, lines 9-13). To overcome this deficiency, the Office Action proposes that Nobukiyo discloses a radio network controller (RNC) that reports a revised hysteresis margin to a plurality of mobile stations when the number of communication terminals is below a threshold value (see page 4, lines 18-22).

The Applicants respectfully note that, although Nobukiyo may disclose reporting a revised hysteresis margin as proposed in the Office Action, the Office Action does not even propose that Nobukiyo discloses the Applicants' claimed subject matter of repeating a report signal (i.e., sending the same (i.e., identical) report signal twice). Thus, it necessarily follows *per force* that Nobukiyo cannot disclose the instant claimed subject matter of repeating a report signal when an acquired number of communication terminal apparatuses is equal to or less than a predetermined value.

The Applicants note that Nobukiyo discloses, in Fig. 10, an RNC that compares the number of mobile stations using a particular channel to a threshold value (see Nobukiyo col. 10, lines 57-60). If the number of mobile stations exceeds the threshold, the RNC sets a small

hysteresis margin due to perceived channel congestion. Otherwise the RNC sets a large hysteresis (see col. 10, line 61, through col. 11, line 17). Nobukiyo's hysteresis margin is a threshold value used to determine whether the RNC will change a cell characterized as the best cell for a mobile station (see col. 1, line 66, through col. 2, line 1, and col. 10, lines 53-56). Nobukiyo's RNC reports the hysteresis margin to mobile stations managed by the RNC (see col. 1, lines 64-66). The mobile stations measure the reception quality of their best cell and the reception quality of another cell and report the measurement information to the RNC if the reception quality of the other cell is higher than the reception quality in the best cell by an amount greater than the hysteresis margin (see col. 2, lines 3-11). The base station controller apparatus changes a mobile station's assigned best cell in response to the report from the mobile stations (see col. 2, lines 11-14).

However, Nobukiyo's disclosure of reporting a revised hysteresis margin bears no similarity to, and does not render obvious, the Applicants' claimed feature of repeating a report signal that includes frequency band information.

Accordingly, the Applicants submit that Sudo '838 and Nobukiyo, even if combined as proposed in the Office Action, still would lack the above-noted features of claim 1, and thus these references, considered individually or in combination, do not render obvious the subject matter defined by claim 1. Independent claim 28 similarly recites the above-mentioned subject matter distinguishing apparatus claim 1 from Sudo '838 and Nobukiyo, but with respect to a method. Therefore, the rejections applied to claims 3-5, 9, 10, 13, 14, and 19 are deemed to be obviated and allowance of claims 1 and 28 and all claims dependent therefrom is considered to be warranted.

Independent claim 15 stands rejected as being obvious over Sudo '838 in view of Atarashi. Atarashi has a U.S. filing date of February 5, 2004. The present application claims priority to Japanese patent application number 2004-021198, filed January 29, 2004. The subject matter of amended claim 15 is supported by priority application number 2004-021198. Applicants have perfected their claim to the priority date of Japanese application number 2004-021198 by filing, on August 24, 2009, a verified English translation of this priority application. Thus, Atarashi is antedated and disqualified as a prior art reference against the subject matter of claim 15.

Independent claim 29 similarly recites the subject matter of apparatus claim 15, but with respect to a method. The Office Action has incorrectly presumed that the subject matter of method claim 29 corresponds to that of apparatus claim 1 and, thus, has grouped claim 29 together with claim 1 in discussing the basis for rejections. Because the subject matter of method claim 29 corresponds to that of apparatus claim 15, rather than claim 1, the basis for rejecting claim 29 should be the same as that for rejecting claim 15. As with claim 15, support for the subject matter of claim 29 is supported by priority application number 2004-021198. Thus, Atarashi is antedated and disqualified as a prior art reference against the subject matter of claim 29.

Therefore, it is submitted that the rejections applied to claims 22-25 and 27 are obviated, and allowance of claims 15 and 29 and all claims dependent therefrom is considered to be warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: December 22, 2009  
JEL/DWW/att

James E. Ledbetter  
Registration No. 28,732

Attorney Docket No. 009289-06168  
Dickinson Wright PLLC  
1875 Eye Street, NW, Suite 1200  
Washington, DC 20006  
Telephone: (202) 659-6966  
Facsimile: (202) 659-1559